IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22921 of 2004

Between:

A. Chittibabu, S/o. Venkateswara Rao, Hindu,
R/o. Door No. 9-65-30, Kothapet, Vijayawada.

... PETITIONER

AND

Vijayawada Municipal Corporation,

Represented by its Commissioner, Vijayawada.

... RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, particularly a Writ of Mandamus, declaring the action of the respondent as illegal and ultra vires the provisions of Articles 14 and 19(1) (g) of the Constitution of India, besides directing the respondent to consider the representation submitted by the petitioner on 30-10-2004 to extend the period of contract in proper perspective and pass such other order or orders.

Counsel for the Petitioner: MR.V.S.R.ANJANEYALU

Counsel for the Respondent: MR.T.S.VENKATARAMANA

The Court at the stage of admission made the following:

O R D E R:

The petitioner is the licensee for the parking area of Kaleswara Rao Market, Vijayawada, for the period from 1.1.2004 to 31.12.2004. He emerged as the highest bidder at a sum of Rs.12,61,616-69 ps. He claims to have deposited the entire amount.

The grievance of the petitioner is that there were several acts and omissions on the part of the respondent, which have resulted in huge loss to the petitioner. One of the factors is said to be on account of the depletion of the parking area due to allocation of the site for establishment of a pump house.

The petitioner made a representation dated 30.10.2004, requesting for extension of the licence, so that he can make up the loss. Acting on the same, the respondent passed an order dated 10.11.2004, whereunder certain additional area was made available to the petitioner. The petitioner is not satisfied with the same, and seeks a direction to the respondent to consider the matter afresh.

Heard learned counsel for the petitioner and the learned standing counsel for the respondent.

The dispute between the petitioner and the respondent is purely contractual in nature. It is true that the petitioner made a detailed representation dated 30.10.2004,

pointing out his grievance. The respondent in turn passed an order dated 10.11.2004. It should not be forgotten that the respondent is not expected to write a detailed order, similar to a judgment. In their discretion, they provided for certain reliefs to the petitioner. The question as to whether the relief extended to the petitioner is adequate and protects the interest of the petitioner, particularly in terms and spirit of the contract cannot be decided by the Court. If the petitioner is of the view that his interests are not properly safeguarded, he can certainly approach a Civil Court and seek adjudication.

Hence, the writ petition is disposed of, leaving it open to the petitioner to approach a Civil Court, seeking necessary relief. There shall be no order as to costs.

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13th December, 2004

Note: Issue copy in three days.

(B/o)

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To

1. The Commissioner,

Vijayawada Municipal Corporation,

Vijayawada.

2. Two CD copies.